

REMARKS

In view of the foregoing amendments and the following remarks, Applicants respectfully request reexamination of the present application. Claim 243 has been cancelled.

The Examiner has rejected Claims 127 and 243 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that these claims are duplicate claims. The Examiner advises Applicant that should Claim 127 be found allowable, Claim 243 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. Applicants have cancelled Claim 243.

The Examiner has rejected Claims 119 and 122 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 21, 23-27 and 34 of U.S. Patent No. 6,210,604, by Hampden-Smith et al. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed process of the patent suggests that claimed in this application.

The Examiner has rejected Claims 119, 122, 126-127, 240 and 241 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 54, 61, 64-67, 76, 79, 83, 85, 86 and 89 of U.S. Patent No. 6,193,908 by Hampden-Smith et al. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed process of the patent suggests that claimed in this application.

The Examiner has rejected Claims 119-122, 126, 127 and 240-242 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 32-33, 37 and 43 of U.S. Patent No. 6,153,123 by Hampden-Smith et al. The Examiner states that although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed process of the patent suggests that claimed in this application. The Examiner also states that while the claims in the patent do not teach milling the resulting phosphor particles, one of ordinary skill in the art would have found it obvious to mill the resulting particles to break up any agglomerates and/or to

reduce the particle size to a desired smaller size. The Examiner further states that while the claims in this patent do not specifically teach a sulfur containing phosphor composition, one of ordinary skill in the art would have found it obvious to produce any known sulfur containing phosphor by the taught process, such as those in Claims 240-242.

In view of the foregoing obviousness-type double patenting rejections, Applicants enclose three Terminal Disclaimers. Removal of these rejections is therefore requested.

A check for the Terminal Disclaimer fees is also enclosed. Applicants do not believe that any additional fees are owed with respect to this Response. However, if any such fees are deemed necessary, please debit those fees from Deposit Account No. 50-1419.

Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecute and or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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